

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

ORLANDO ISIAH BROWN

v.

WARDEN S. SALMONSON

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CIVIL ACTION NO. 5:21-CV-00094-RWS

ORDER

Before the Court is the Report and Recommendation of the United States Magistrate Judge (Docket No. 12), which contains her findings, conclusions and recommendations for the disposition of this matter. Petitioner Orlando I. Brown, an inmate confined at the Federal Correctional Institution in Texarkana, Texas, proceeding *pro se*, filed the above-captioned civil action to petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Docket No. 1. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636 and the applicable orders of this Court. The Respondent Warden S. Salmonson thereafter filed a Motion to Dismiss the Petition. Docket No. 11.

After review of the pleadings, the Magistrate Judge issued a Report recommending granting Respondent's motion to dismiss (Docket No. 11) and thereby dismissing the petition (Docket No. 1). A copy of the Report and Recommendation was mailed to the Petitioner with a corresponding acknowledgment card. The acknowledgment card was returned to the Court on May 16, 2022, albeit neither signed nor dated. Docket No. 13. To date, no objections to the Report have been filed.

Petitioner is, therefore, barred from *de novo* review by the District Court of the Magistrate Judge's findings, conclusions and recommendations; and, except upon grounds of plain error,

Petitioner is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017).

The Court has reviewed the pleadings in this cause of action and the Report of the Magistrate Judge. Upon such review, the Court concludes that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (where no objections to a magistrate judge's report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"), *cert. denied*, 492 U.S. 918 (1989). Thus, finding no grounds of plain error or manifest injustice, the Court hereby adopts the Report and Recommendation of the Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is

ORDERED that the Report and Recommendation of the Magistrate Judge (Docket No. 12) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that Respondent's Motion to Dismiss the Petition for Writ of Habeas Corpus (Docket No. 11) is **GRANTED**. It is further

ORDERED that Petitioner's Petition for Writ of Habeas Corpus (Docket No. 1) is **DENIED**. It is further

ORDERED that the above-titled cause of action is **DISMISSED**. It is further

ORDERED that any and all motions currently pending in this civil action are hereby **DENIED-AS-MOOT**.

So ORDERED and SIGNED this 22nd day of June, 2022.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE